

Docket No. F-8019

Ser. No. 10/699,136

**REMARKS**

Claims 1-5 have been rejected under 35 U.S.C. § 112, second paragraph because the Examiner asserts that Claim 1 is indefinite. Claims 1 and 3-5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sameshima (JP01-028625) as modified by Barry (U.S. Patent No. 4,724,007) where Barry is cited for teaching cleaning a heat exchanger. Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sameshima as modified by Barry and as further modified by Withers Jr (U.S. Patent No. 4,007,774) where Withers is cited for teaching reverse-flow.

Regarding the rejection under section 103, Sameshima teaches a method of cleaning pipes by suctioning water and ice cubes through pipes in the normal direction of flow in the pipes. At page 2, last paragraph (the first paragraph in the "Prior Art" section) the reference cites undesirable affects of cleaning pipes using water jets and cleaning pipes in the reverse direction to the normal waste-flow direction. The reference states that such methods "may cause wash water to blow off from a suction opening of the waste pipe over a floor of a customer's home or emission of a stench into air in a room or a water leakage accident."

Based on the teachings of Sameshima, modifying Sameshima by Withers to operate in a reverse direction of flow renders the reference unsatisfactory for its intended purpose and is therefore inappropriate. *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984) (a proposed modification to a reference cannot render the

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reference unsatisfactory for its intended purpose). Moreover, Barry illustrates in Figure 1 and teaches in column 8, line 45, using a launcher to launch (or jet) fluid and pigs through pipes to clean the pipes. Barry therefore, as a whole, contradicts Sameshima with the use of the water jets to clean the pipes and is therefore an improper reference to combine with Sameshima against the pending claims. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983) (a "reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention").

Based on the above contradictory teachings of the prior art, Applicant has amended Claim 1 so that the claim focuses on cleaning pipes by suctioning water and ice in the reverse direction of flow. In view of the amendment to Claim 1, Applicant has canceled Claim 2. Accordingly, Applicant respectfully asserts that the claims, as amended, are patentable over the cited art and that the rejection under section 103 has been overcome.

If there is any fee(s) due, the USPTO is hereby authorized to charge the fee(s) to Deposit Account No. 10-1250.

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,

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